REMARKS

Examiner is thanked for the performance of a thorough search. Claim 5 is amended. Claims 21-25 are added. No claims are canceled. Hence, Claims 1-25 are pending in the Application.

I. ISSUES RELATING TO 102(a) —*ZHAO*

Claims 9-17 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by Felix Cho Zhao, "ANTD: An Adaptive, Deterministic Ant Routing Algorithm", 3/16/03 (hereinafter *Zhao*). The rejection is respectfully traversed.

Zhao does not qualify as prior art because it is the inventor's own work and therefore is not of "another." 35 U.S.C. 102(a). Felix Cho Zhao and Applicant are the same person. To establish this fact, Applicant has submitted a Declaration of Zhichong Gu with one exhibit. The Declaration sets forth and authenticates a true and correct copy of an email of the inventor to Ms. Trudy Bagdon, a legal secretary in Hickman Palermo Truong & Becker LLP, the inventor-applicant's attorneys from records of communications related to this Application. As indicated in the email communication, the inventor uses either "Fuyong" or "Felix Cho" as his name. Thus, since both "Fuyong Zhao" and "Felix Cho Zhao" refer to the inventor, the cited reference is authored by the inventor of this Application. Accordingly, the cited reference does not qualify as prior art for the purpose of a 102(a) rejection.

Because *Zhao* does not qualify as prior art for purposes of 35 U.S.C. 102(a), it cannot be used as a basis of rejection under 35 U.S.C. 102(a) and must be removed as a reference. Further, the Office Action does not set forth a prima facie case of unpatentability. Therefore, the rejection to Claims 9-17 is overcome. Reconsideration is respectfully requested.

II. ISSUES RELATING TO 103(a) —*TERUHI, MOY* AND *RFC 2676*

Claims 1, 2, 4, 5, and 7 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Teruhi et al., U.S. Pub. No. 2003/0072269 (hereinafter *Teruhi*) and J. Moy et al., IETF RFC 1247 "OSPF Version 2", July 1991 (hereinafter *Moy*) and further in view of Apostolopoulos et al., INTF RFC 2676 "QoS Routing Mechanisms and OSPF Extensions", August 1999 (hereinafter *RFC 2676*). The rejection is respectfully traversed.

Claim 1

Claim 1 is directed to a method of updating a routing table, and recites:

> selecting, from a set of routers, a particular router that is associated with a first time that is a shortest time among all times associated with routers in the set of routers;
>
> sending a first data packet to the particular router;
>
> receiving a second data packet that indicates a second time taken for the first data packet to travel to a destination indicated by the first data packet;
>
> updating the first time based on the second time; and
>
> updating the routing table based on information contained in the second data packet. (Emphasis added)

Claim 1 provides a way for a second packet to travel back to a router that has forwarded a first data packet, thereby bringing back information collected by the first data packet. Specifically, Claim 1 features receiving a second data packet that indicates a second time taken for the first data packet to travel to a destination indicated by the first data packet. Such a method is neither disclosed nor suggested by *Teruhi*, *Moy* or *RFC 2676*.

Teruhi

Teruhi pertains to a multimedia data delivery system that comprises a source node 11 and a destination node 12. In a conventional arrangement, the source and destination

nodes involved in data delivery use RTP for data packets and RTCP for control packets. As disclosed in FIG. 1 of *Teruhi*, the source node and the destination node may transfer the multimedia data over multiple routes (31, 32). According to *Teruhi,* the source node and the destination node may exchange quality information for each of the multiple routes between them. As disclosed in FIG. 4 and FIG. 5 of *Teruhi*, the quality information is packet loss 71, jitter 72, and delay 74.

The nodes involved in the multimedia data delivery are originators and consumers of data packets between them. In particular, these nodes are not routers that are involved in a routing protocol.

Teruhi fails to disclose a number of features in Claim 1. For example, Claim 1 recites "receiving a second data packet that indicates a second time taken for the first data packet to travel to a destination indicated by the first data packet." On the other hand, *Teruhi* only discloses overall quality information related to a specific route. There is no disclosure in *Teruhi* that the delay 74 is a time that a control packet (a RTCP-SR packet) takes to travel to the destination node, even if the control packet is analogized to a first data packet recited in Claim 1. The delay 74 as disclosed in *Teruhi* is an average time that data packets of a stream (RTP packets) travel from the source node to the destination node. It does not make sense for *Teruhi* to measure only delay of a single control packet (RTCP packet) to represent the quality of the delay for data packets (RTP packets) over any particular route.

Moy and *RFC 2676*

Moy is a protocol specification for OSPF version 2. OSPF is a link-state based protocol where links are formed between adjacent routers and information about the links are propagated among routers involved in the OSPF protocol operation (e.g., flood).

Using the information about the links between adjacencies, any such router may calculate a shortest path between any two routers based on the Dijkstra algorithm.

RFC 2676 is a proposed extension to the OSPF protocol. Under this proposed extension, link bandwidth and link propagation delay information between two neighboring routers may be exchanged.

Like *Teruhi*, *RFC 2676* only discloses overall delay information related to a specific link. There is no disclosure in *RFC 2676* that time information for a first data packet over a particular path that consists of links between neighboring routers is carried back by a second data packet, as featured in Claim 1. For example, there is no disclosure in *RFC 2676* that the link delay is a time that a single link state advertisement takes to travel to a neighbor, even if the link state advertisement is analogized to a first data packet recited in Claim 1.

For the reasons given above, Claim 1 is patentable over *Teruhi, Moy* and *RFC 2676*. Reconsideration is respectfully requested.

Claims 2, 4, 5, and 7

Claims 2, 4, 5, and 7 are dependent upon and thus include each and every feature of Claim 1 discussed above. Therefore, it is respectfully submitted that Claims 2, 4, 5, and 7 are allowable for at least the reasons given above with respect to Claim 1. Reconsideration is respectfully requested.

III. ISSUES RELATING TO 103(a) —*TERUHI* AND *RFC 2676*

Claims 3 and 6 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over *Teruhi* in view of *RFC 2676*. The rejection is respectfully traversed.

Claims 3 and 6 are dependent upon and thus include each and every feature of Claim 1 discussed above. Therefore, it is respectfully submitted that Claims 3 and 6 are

allowable for at least the reasons given above with respect to Claim 1. Reconsideration is respectfully requested.

IV. ISSUES RELATING TO 103(a) —*MOY* AND *RFC 2676*

Claims 8 and 18-20 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over *Moy* in view of *RFC 2676*. The rejection is respectfully traversed.

Claims 8 and 18-20 each recite similar features as those discussed above with respect to Claim 1. For example, Claim 18 is a computer-readable medium claim that corresponds to method Claim 1. Claim 19 is recited in a format allowable by 35 USC §112, and corresponds to method Claim 1 discussed above. Claim 20 is an apparatus claim that corresponds to method Claim 1. Therefore, Claims 8 and 18-20 are patentable for at least the same reasons discussed above as to Claim 1. Reconsideration is respectfully requested.

V. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION VIA EFS-WEB

Pursuant to 37 C.F.R. 1.8(a)(1)(ii), I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the Office electronic filing system in accordance with 37 C.F.R. §§ 1.6(a)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM Pacific time.

on August 31, 2007 by /ZhichongGu#56543/
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